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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,178	11/07/2001	Robert A. Pyles	Mo-6825/MD-01-39-KU	9063

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EXAMINER

EINSMANN, MARGARET V

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/040,178

Applicant(s)

PYLES ET AL.

Examiner

Margaret Einsmann

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-4, 7, 12-19 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-4, 7 and 12-19 is/are allowed.
- 6) ☐ Claim(s) 23 is/are rejected.
- 7) ☐ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is in response to the amendment filed 6/10/03. Claims 1-4, 12-19 and 22-24 are pending. Applicant's response has canceled the non-elected claims thereby restricting the claims to the elected invention.

Applicant's amendment has mooted the rejection of claims 1-9 and 12-19 under the second paragraph of 112 as applied on page 4 of the action of 3/28/03.

Applicant's amendment has overcome the rejection of claims 1-4, 7-9, 17 and 18 as anticipated by or in the alternative obvious over Funaki, US 4,310,350. Funaki does not disclose the claimed carrier where R<sup>2</sup> denotes butyl and R<sup>1</sup> denotes H as now claimed. Applicant's amendment has overcome the rejection of claims 1-4, 7-9 and 18 as being anticipated by Bianco et al., US 3,514,246.

Applicant's amendment has resulted in the following new grounds of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki, US 4,310,350.

Funaki et al disclosed a process of dyeing polymeric materials including polycarbonates with dyeing compositions comprising surfactants. See abstract. In column 4 lines 27 et seq. they give examples of non-ionic surfactants reading on

Art Unit: 1751

applicant's claimed carrier, polyoxyethylene alkyl ether type,  $R-O-(CH_2CH_2O)_nH$  (line 30) and polyoxyethylene alkylaryl ether type (lines 33-38). In each instance, R is equal to 6 to 25 carbon atoms and n is equal to an integer having from 6 to 25 carbon atoms and n is equal to an integer having a value of 2-50. See col 5 lines 55-58. Accordingly, both of the compounds fall within the scope of the carrier as claimed; both are surfactants. The substrate material may be selected from several disclosed polymeric materials including the claimed polycarbonates, polyester and polyalkyl acrylates. See col 7 line 42 to col 8 line 30. Example 2 discloses using an aromatic polycarbonate as the substrate (Col 9 lines 63 et seq.) and example 4 discloses using allyl diglycol carbonate.

Example 4 discloses a process of dyeing a plate of polymerized diethylene glycol bis-allyl carbonate (CR-39) which has a non-fogging coating by heating in an aqueous dyeing bath comprising, 20 g water, 80g of a polyoxyalkyl ether surfactant and 4 grams of an azo type- quinone type blended disperse dye. Note that in example 4, patentee does not suggest mixing the dye and carrier together before adding water as claimed in claim 22, and yet the resultant article to the heated dyebath results in an article which is transparent and colored uniformly.

The subject matter would have been obvious to the skilled artisan at the time the invention was made because the resulting composition in which the article is immersed is the very same, thus resulting in equivalent dyeing results, absent evidence to the contrary and patentee shows that the process is successful when the three items are combined at 95° and used to dye a CR-39 article.

### ***Claim Objections***

Claim 22 is objected to because of the following informalities: Section b of claim 22 is at the bottom of page 4 of the amendment and is repeated at the top of page 5.. Appropriate correction is required.

### ***Allowable Subject Matter***

Accordingly claims 1-4, 7, 12-19 and 24 are allowed.

Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

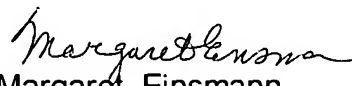
Art Unit: 1751

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 703-308-3826. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Margaret Einsmann  
Primary Examiner  
Art Unit 1751

August 11, 2003